

***United States Court of Appeals  
for the Second Circuit***



**APPELLANT'S  
REPLY BRIEF**





76-7299

UNITED STATES COURT OF APPEALS  
SECOND CIRCUIT

76C - 7299

Case Title: 28 USC 1343

Conspiracy to destroy the life of the Appellant

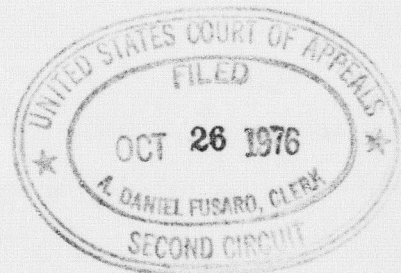
APPEAL; PETITION FOR REVIEW

U.S. District Court  
Eastern Division of New York

REPLY BRIEF OF THE APPELLANT PRO SE

Miss Mae M. Smith  
APPELLANT PRO SE

83-06 Vietor Avenue  
c/o Coleman Family  
Elmhurst, New York 11373





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REPLY BRIEF OF THE APPELLANT:1-- OSCAR G. RUBIN, ESQ., APPELLEE:

(a) The Appellant has NOT received from RUBIN any request to the COURT, nor any reply by the COURT giving RUBIN permission to use BLUE covers in lieu of RED covers, and to send the Appellant only ONE copy of his BRIEF in lieu of TWO copies. Also, RUBIN did NOT sign his BRIEF, nor did RUBIN include on the front page the TITLE OF THE CASE given to the case by the US District Court, Eastern Division of NY. SEE: FRAP RULES #31 & #32. (RED covers ARE available in the NYC area.)

(b) RE: FRCP Rule 8 (e) (1): The Appellant classifies this ruling by the US District Court as an ASSIGNMENT OF ERROR, especially since this ruling was NOT used against any of the lawyers who replied. SEE THEIR REPLIES to the original complaint, and to the repleading.

(c) RE: Diversity of Citizenship: The Appellant classifies this as another ASSIGNMENT OF ERROR by the US District Court. SEE: 28 USC 1343. "Diversity of citizenship immaterial in action under this section." ALSO SEE: BRIEF of Appellant for more information.

(d) RE: 28 USC 1331 and 28 USC 1332 quoted by RUBIN:  
SEE: enclosures. SEE: Reviser's Note -- 28 USC 1331: "Jurisdiction of Federal questions arising under other sections of this chapter is not dependent upon the amount in controversy."  
SEE: Reviser's Note: 28 USC 1332: "Jurisdiction conferred by



1-- RUBIN; (d) continued:

other sections of this chapter except section 1335, is not dependent upon diversity of citizenship."

(e) RE: CPLR Sec. 215 (3): A NEW YORK statute of limitations and NOT a Federal statute!

(f) RUBIN writes: "The cause of action, if any, in defamation is supposed to have occurred eighteen years ago." PERJURY!  
In the US District Court on May 26, 1976, RUBIN said, "twenty years ago." SEE: Letter by Ellen Coleman as witness. Also, SEE: Repleading and BRIEF by the Appellant. RUBIN vilified the Appellant, Miss Mae Smith, to EMPLOYERS in: 1954, 1959, 1960, and 1962; to LANDLORDS in: 1955 and 1962; to Joseph R. Panaro, Appellee, in September, 1964; to NYC Community College in 1964; to August J. Mick, Esq., NYC LAWYER, in September, 1965; to Harry Smith, Esq., Assistant Queens County District Attorney in February, 1970; to Frederick V. Behrends, FBI Agent in 1973/1974. Also, EVERY EMPLOYER without exception has passed on RUBIN'S ALLEGATIONS to every other EMPLOYER, including the PRESENT employer of the Appellant, and to Snelling and Snelling Employment Agency in 1971/1972. And to the Theresa M. Burke Employment Agency in 1962/1963. EVERY LANDLORD passed on the allegations to every other LANDLORD, and to the PRESENT LANDLORD of the Appellant. Moreover, Frederick V. Behrends, FBI Agent, told the ALLEGATIONS as FACTS in May/June, 1975 to Doctor Hyman Chartock, APPELLEE. Then too, the DEFAMATION was told to the FBI INVESTIGATORS from 1968 ONWARD, and THEY



1-- RUBIN: (f) continued:

passed on the ALLEGATIONS as FACTS, without demanding verification, to the OFFICE OF THE US ATTORNEY, Eastern District of NY, where this information remains in 1976! Then too, the SLANDER is in the FILES of the US POSTAL INSPECTION SERVICE since Sept., 1973.

(g) RUBIN'S PSYCHOPATHIC ACTIONS AND ALLEGATIONS: robbed the APPELLANT, Miss Mae M. Smith, of ALL USA CIVIL RIGHTS from 1954 or before through 1976, and UNTIL the Appellant WINS THIS CASE! RUBIN used HIS JOB TITLE and HIS PROFESSION to give weight to the ALLEGATIONS against the APPELLANT! AND, RUBIN involved ALL OTHER APPELLEES known to the APPELLANT from 1954 through 1976. RUBIN'S CO-CONSPIRATORS are ALL APPELLEES, and especially Mrs. Delia Craven Smith, APPELLEE, and Miss Anne Smith, APPELLEE. N.B.: STOUFFERS RESTAURANT CORP., Division of Litton Industries, Inc. has a HISTORY of LONG TERM DESTRUCTION of FORMER EMPLOYEES, with or without the help of RUBIN and Delia and Anne Smith! ESPECIALLY of EDUCATED, HIGH I.Q., FORMER EMPLOYEES! BETTER USA CITIZENS! MEN AND WOMEN!

(h) Unless MUCH MONEY has been given to RUBIN for the DESTRUCTION of the LIFE of the APPELLANT, the Appellant doubts that RUBIN would have involved himself. Also, RUBIN from 1957 through 1964 desired the moral, educated, Christian, Roman Catholic, humane, high I.Q. APPELLANT as HIS FILTHY MISTRESS! NEVER! In 1954 STOUFFERS, RUBIN, and the SMITH FAMILY were ALL aware that the APPELLANT changed BOTH jobs and careers at a LARGE SALARY



1-- RUBIN: (h) continued:

LOSS weekly, monthly, yearly to: have NORMAL working hours enjoyed by MOST Americans nationally; attend schools and colleges, and business seminars in the evenings and during vacations; marry and either have or adopt children; have a social LIFE PROHIBITED BY STOUFFER WORKING SCHEDULES OF: SPLIT SHIFTS SIX DAYS A WEEK; from January, 1946 through June, 1954: SHIFT ONE: OUT of work at about 8:30 P.M.; SHIFT TWO: OUT of work at about 9:30 P.M.; SHIFT THREE: OUT of work at about 10:30 P.M. SIX DAYS A WEEK FOR EIGHT AND ONE HALF YEARS!

(1) CIVIL RIGHTS TAKEN FROM THE APPELLANT, Miss Mae M. Smith, by ALL APPELLEES from 1946 through 1976: (THIRTY YEARS): THESE USA RIGHTS FOR USA CITIZENS:

(1) To have friends and beaus; (2) To marry and have or adopt children; (3) To have a normal social life including avocations; (4) To hold JOBS the Appellant is capable of holding; (5) To advance in the business world; (6) To belong to business associations; (7) To EARN an adequate income according to the experience, ability, intelligence, education of the Appellant; (8) To attend colleges and seminars of her choice; (9) To have employment agencies FOR FEES get her jobs for which she is qualified; (10) To have APARTMENTS without harrassment by PSYCHOPATHIC VILIFIERS OF HUMANITY! (11) To LIVE without attempts to take HER LIFE through ARSON and ATTEMPTED MURDER! (12) TO CLEAR HER GOOD NAME PUBLICLY! (13) To have HER USA RIGHTS REINSTATED PUBLICLY! (14) To have the USA RIGHT to



1-- RUBIN: (i) continued:

MONEY EARNED for absolute necessities for: medical bills;  
nutrition bills; dental care; eyes care; legal expenses;  
clothes expenses; education expenses; apartment expenses!

(15) To have the GOOD JOB REFERENCES earned by the APPELLANT  
 in every company from 1946 through 1976. (16) To have the  
GOOD APARTMENT REFERENCES earned by the APPELLANT in every apart-  
 ment she have ever resided. (17) The USA RIGHT to STOP BY COURT  
ORDER PUBLICLY ALL HEINOUS CRIMES AGAINST APPELLANT!  
 (18) To CLEAR PUBLICLY the GOOD NAME of the APPELLANT in the  
1976 FILES of: The OFFICE of the US Attorney, Eastern District  
 of NY; the FILES of the FBI in New York City, AND in Newark,  
 NJ, and in the FILES of the US Postal Inspection Service.

(j) It is respectfully requested of the US COURT OF APPEALS that  
 this LEGAL CASE be made PUBLIC so that ALL OTHERS destroyed by the  
APPELLEES have THEIR USA RIGHTS reinstated in the USA PUBLICLY!

(k) It is respectfully SUGGESTED by the APPELLANT that the  
CAREER of the APPELLEE, OSCAR G. RUBIN, ESQ., NYC LAWYER, be  
INVESTIGATED so that this PSYCHOPATHIC LAWYER can NOT destroy  
 any other HUMAN LIFE in the USA! Also, that the LIVES of Mrs.  
Delia Craven Smith and Miss Anne Smith be INVESTIGATED so that  
 THEY can NOT destroy any more HUMAN LIVES in the USA!

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2-- STOUFFERS RESTAURANT CORP., Division of Litton Industries:

(a) SEE: Information covered above and in preceding pages RE:  
 Oscar G. Rubin, Esq., NYC LAWYER, APPELLEE. THEY did submit a



BRIEF with RED covers. PROVING that RED covers ARE available in the NYC AREA! THEY did NOT sign the BRIEFS! THEY quote the COURT ORDER dated May 26, 1976 by the US District Court, Eastern Division of NY, which is an ASSIGNMENT OF ERROR!

(b) In addition to the LIFE OF THE APPELLANT, Miss Mae M. Smith, THEY DESTROYED THE LIVES of these FORMER EMPLOYEES:

(1) Mrs. Lorraine Tartell Meredith (AKA: Mrs. Walter Meredith); ITALIAN DESCENT; from West Virginia; whose FAMILY DID help HER; (2) Miss Lillian Brusca (ITALIAN DESCENT; from New York City) whose family DID help her; (3) Miss Jenny Kellis (POLISH DESCENT; from New York City) whose family DID help her; (4) Miss Lorraine Grubich; (CZECHOSLAVAKIAN descent; from Minnesota) whose family DID help her; who TOOK HER OWN LIFE in the mid-1960's rather than have to endure more HELLS. (5) Miss HILT, former Stouffer Hostess; nationality UNKNOWN to the APPELLANT -- DESTROYED LIFE by STOUFFERS from 1949 onward!

(c) There ARE QUOTAS for ALL MINORITIES in the USA except for Irish, Italian, Polish, Czechoslovakian MINORITIES, and more especially IF these Christian MINORITIES are Roman Catholics in the USA! IRISH ROMAN CATHOLICS are 25% of the USA population; IRISH ROMAN CATHOLIC INTELLECTUALS are 10% of the USA population; MAE M. SMITH, APPELLANT, is ONE of that 10%.

HIGH I.Q. INTELLECTUALS with 148 to 153 I.Q.'S are a MERE 2% to 5% of the ENTIRE USA POPULATION, and the APPELLANT, Miss Mae M. Smith, is ONE OF THOSE! " SUPERIOR INTELLIGENCE RANGE! "



2 -- STOUFFERS: continued:

(d) Stouffers has been a division of Litton Industries, Inc. since the EARLY 1960's. In 1973 Former President, Richard M. Nixon, got the US Postal Inspection Service to investigate the Appellant, Miss Mae M. Smith, on behalf of FORMER USA Budget Director, Roy L. Ash, who is a Chairman of the Board for LITTON. INSPECTOR RENZULLI of the US Postal Inspection Service interviewed the Appellant in his office in Flushing, N.Y. in September, 1973 FOR FOUR HOURS. THEY told RENZULLI that the Appellant is INSANE! NOT TRUE AT ANY TIME! RENZULLI was well able to ascertain that THEY LIED, and told the Appellant this. The WHOLE WORLD now KNOWS that former President, Richard M. Nixon is PARANOID! This information was turned over to the OFFICE of the US ATTORNEY, Eastern District of NY, and in 1976 it remains in THEIR FILES! US COURT OF APPEALS -- PLEASE get this PARANOID PERJURY out of THEIR FILES! Also, PLEASE protect the decent, human, humane, college-educated INSPECTOR RENZULLI from THEM! Since this case has been in the Courts, RENZULLI has been transferred from the FLUSHING, NY OFFICE to the MOUNT VERNON, NY OFFICE.

(e) STATUTES OF LIMITATIONS FOR DESTROYED HUMAN LIVES:

THERE ARE NONE IN THE ENTIRE WORLD! ALL APPELLEES PLEASE NOTE!

MURDER OF ANY HUMAN PERSON BY ANY MEANS IS STILL MURDER!

SLANDERERS ARE MURDERERS!

SLANDERER MURDERERS who continue THEIR actions for many years are PSYCHOPATHIC and belong in MENTAL INSTITUTIONS!  
 .....



3 -- FIRE -- ARSON and ATTEMPTED MURDER:

SEE: enclosed FIRE REPORT from the NYC FIRE DEPT.

December 6/7, 1974 -- 31-13 34th Street, Astoria, N.Y. 11106.

ONE MALE APPELLEE paid an ARSONIST to MURDER the Appellant!

Mr. Mario Gocenta, tenant, neighbor, APT. 1C, at the above address is in CONTEMPT OF THE US DISTRICT COURT, and SOLE WITNESS to ARSON and ATTEMPTED MURDER!

DOCTOR HYMAN CHARTOCK through MEDICAL HYPNOSIS learned the IDENTITY of the ARSONIST/ATTEMPTED MURDERER and refuses to get involved although the Appellant paid HIM \$300.00. IN May/June, 1975. According to DOCTOR HYMAN CHARTOCK he investigates ALL OF HIS CLIENTS/PATIENTS/CUSTOMERS; this suggests to the Appellant that Chartock has had SUCCESSFUL LAW SUITS AGAINST HIM and that HE uses this means to protect himself! NO DOCTOR ever known to the Appellant, Miss Mae M. Smith, has ever done this INVESTIGATION of CLIENTS. PROOFS that CHARTOCK does this have been given by Cyril Hyman, Esq., Assistant US Attorney, Eastern District of NY, BOTH to the US District Court, Eastern Division of NY, and to the US Court of Appeals, Second Circuit, AND TO ALL APPELLEES! IN THIS CASE!

The NYC POLICE DEPT. says that it needs a SUMMONS FROM A JUDGE to give the contents of the PHONE REPORT by MARIO GOCENTA of ASSAULT AND BATTERY OF THE APPELLANT PRIOR TO THE FIRE! The Appellant, Miss Mae M. Smith, HAS REQUESTED the US COURT OF APPEALS JUDGES to do this in her BRIEF! Has this been done by



3 -- FIRE -- Arson and attempted MURDER:

the JUDGES from the US Court of Appeals? A MALE APPELLEE in this legal case PAID an ARSONIST to take the LIFE of the Appellant, and the SOLE WITNESS TO THIS, Mario Gocenta, IS in CONTEMPT OF COURT IN A CIVIL CASE! While trying to MURDER the APPELLANT, the PAID ARSONIST and his employer had NO regard for the LIVES and property of 12 other tenants, and the firemen involved! Although the APPELLANT knows which APPELLEE paid the arsonist in 1974, she can NOT state this without the WITNESS, Mr. Mario Gocenta.

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4-- Frederick V. Behrends, FBI AGENT; APPELLEE:

(a) A malicious GOSSIP at the expense of ALL USA TAXPAYERS, who is NOT well trained enough by the FBI to know that HE MUST demand VERIFICATION from ALL slanderers AGAINST USA CITIZENS, who is classified by the FBI as a SPECIAL AGENT! BEHREND'S had NO RIGHT to pass on to DOCTOR HYMAN CHARTOCK in May/June, 1975 PERJURY AND SLANDER gained during his investigation of the APPELLANT in 1973/1974. The APPELLANT does NOT contest HIS right to talk to CHARTOCK; ONLY the right of BEHREND'S to VILIFY any USA CITIZEN while accepting a SALARY from the TAXES of USA CITIZENS.

(b) The ONLY REQUEST that the APPELLANT makes of the OFFICE of the US ATTORNEY, and of the FBI, and of the US Postal Inspection Service is: PLEASE CLEAR MY GOOD NAME IN ALL OF YOUR FILES! Yet, Cyril Hyman, Esq., Assistant US Attorney, goes to GREAT EXPENSE to fight the APPELLANT at the EXPENSE of USA TAXPAYERS! FRAP RULE 30 (b): " In designating parts of the record for in-



clusion in the APPENDIX, the parties shall have regard for the fact that the ENTIRE RECORD is always available to the COURT for reference and examination and shall NOT engage in UNNECESSARY designation." ESPECIALLY AT THE EXPENSE OF TAXPAYERS!

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5-- RE: ATTORNEYS IN THIS CASE FOR THE APPELLEES:

THEY are determined to WIN no matter how many LIVES are DESTROYED by THEIR winning! The APPELLANT does NOT accept THEIR naming alleged "AUTHORITIES" and allegedly won cases --UNLESS THE US COURT OF APPEALS JUDGES investigate THEIR CLAIMS of cases won, and allegedly similar cases to that of the APPELLANT!

For DESTROYED HUMAN LIVES for 30 YEARS plus, THEY plead: "Statutes of limitations." NOT IN THE ENTIRE WORLD is this acceptable to WORLD HUMANITY! The DECENT WORLD is still in 1976 after HITLER'S HENCHMEN for the DESTRUCTION OF HUMANITY, and World War TWO ended in 1945 -- 31 years ago! Are the LAWYERS IN THIS CASE saying that USA HUMANITY can be wantonly destroyed by their CLIENTS, and never be punished LEGALLY for the HEINOUS CRIMES of their CLIENTS?

Would the lawyers, corporations, etc., APPELLEES, in this legal case vote the same way if they were the APPELLANTS? The APPELLANT has FOUGHT for DECENCY for HUMANITY during ALL of HER ADULT YEARS! INVESTIGATE!

NO USA CITIZEN can get a LAWYER to fight another LAWYER in the USA unless the Plaintiff is SO WEALTHY that the lawyer taking the case does NOT care about OTHER lawyers, and the



local and national Bar Associations. Moreover, MORE THAN 95% of USA CITIZENS do NOT know that THEY can take their own cases into the COURTS as PLAINTIFFS, and probably only about 50% of those could do the necessary research and rebuttals against the lawyers! Even the personnel in the PRO SE CLERKS' OFFICES fear advising any Plaintiff Pro Se for fear of reprisal by lawyers and Bar Associations!

FEW UPPER MIDDLE CLASS CITIZENS could really afford a LAWYER under any circumstances; yet THEY are the USA MAJORITY! Certainly NO decent, rational, healthy, law-abiding USA CITIZEN desires any lawyer with GOOD CHARACTER to lose his career, BUT NON-LAWYERS HAVE CAREERS TO WHICH THEY HAVE RIGHTS TOO! And NON-LAWYERS have the CIVIL RIGHTS to marry; have children; hold jobs; earn incomes; attend colleges; have apartments, friends, social lives, and peace of mind! GIVE ME THE CHILDREN and marriage I desired for THIRTY YEARS! While YOU aid and abet ABORTION ON DEMAND MOTHERS NATIONALLY! The CIVIL RIGHTS of MOTHERS and FATHERS in the USA is to MURDER the UNBORN with the HELP OF THE USA FEDERAL GOVERNMENT. AND ITS MONEY! While preventing the APPELLANT from having the CHILDREN she desired!

UNLESS Oscar G. Rubin, Esq., NYC LAWYER, can and will, and does PROVE TO THE COURT that RUBIN also DESTROYS THE LIVES of JEWISH WOMEN for 20 years PLUS, the APPELLANT has NO CHOICE but to YELL PREJUDICE against THIS CHRISTIAN WOMAN! Of Irish, English, Scotch descent; a native-born AMERICAN CITIZEN!

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6-- RETAILERS COMMERCIAL AGENCY, INC.:

Until YOU and YOUR conglomerate organization, and YOUR employees NO LONGER falsely investigate USA CITIZENS for MONEY from CORRUPT CORPORATIONS, your large COMPANY will always be under fire from COURAGEOUS USA CITIZENS, like the APPELLANT! YOUR CORPORATION nationally has caused more LEGAL CASES in COURTS than any other USA corporation. Also, YOU have caused the USA CONGRESS to pass FEDERAL LAWS from 1960 through 1974 to STOP the DESTRUCTION OF USA HUMANITY by YOUR CONGLOMERATE!

In June, 1965, the APPELLANT immediately contacted City, State, and Federal authorities and agencies when YOU FALSELY CLAIMED that YOU were checking the credit references of the APPELLANT, and then YOU FALSELY told the NYC POLICE in Jamaica, New York that the APPELLANT was trying to BUY THOUSANDS OF DOLLARS IN STOCKS AND BONDS from a CORPORATION with OFFICES in NEW JERSEY and in CONNECTICUT! PERJURY TO THE POLICE! PERJURY TO THE APPELLANT! IF indeed YOU had any CLIENT at all in 1965 who desired the INVESTIGATION of the FINANCIAL RESERVES of the APPELLANT, I do hope that YOU can charge that CORRUPT CORPORATION PERJURER with YOUR legal fees for this case!

SEE: COPY attached of: PUBLIC LAW 91-508, Title SIX.

7-- STATES MARINE ISTHMIAN AGENCY INC.:

They did NOT use RED COVERS for THEIR BRIEF to the APPELLANT, and THEY did NOT send the APPELLANT the required TWO COPIES. THEIR PERSONNEL DEPT. is responsible for the DESTRUCTION OF THE APPELLANT THROUGH PSYCHOPATHIC LIES from December, 1961 through 1976, and THEY are responsible for the involvement of EMPLOYER



7-- S.M.I.: continued:

and EMPLOYEE APPELLEES involved in this legal case.

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8 -- US COURT OF APPEALS JUDGES:

PLEASE make certain that the HONORABLE Judge John F. Dooling, Esq. was NOT forced to retire over HIS bringing this case into COURT in 1975. Also, PLEASE investigate WHY Judge Mark A. Costantino gave the APPELLANT favorable HOPE in the US District Court on May 26, 1976, and then completely REVERSED what he said in Court in HIS Court Order of June 2, 1976. The APPELLANT firmly believes that there IS legal hanky-panky going on!

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9-- Weil, Gotshal, Manges, Esqs.: Did NOT sign their BRIEFS nor date them before mailing them to the Appellant, and they postmarked them on the 12th of October in lieu of the 11th of October. And with interest the APPELLANT notes that they have a SECOND ATTORNEY from their company on this case.

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10-- IN CONTEMPT OF COURT IN A CIVIL CASE:

(a) Miss Irene D. Woods; a/k/a: Miss Mimi Woods;

EMPLOYEE of Engelhard Hanovia, Inc., allied company of Anglo American Corp. of South Africa (N.A.) Ltd.

(b) INDUSSA CORP., former employers of the APPELLANT from June to December, 1969. Howard H. Bachrach, Esq., NYC LAWYER, employed and always on the premises of that BELGIUM company, signed for the SUMMONS from the US Marshal. In December, 1969, two weeks before Christmas, the APPELLANT was FIRED by them based SOLELY on the PSYCHOPATHIC LIES in her job references.



10-- IN CONTEMPT: continued:

(c) Mr. Mario Gocenta -- SOLE WITNESS to the arson and attempted murder of the Appellant in December, 1974.

(d) Mrs. Nettie Herzich Carcich; a/k/a/: Mrs. Anthony Carcich: former landlord of the Appellant; who was visited by Oscar G. Rubin, Esq. in February, 1962; who with her mother, Mrs. Antoinette Herzich, passed on RUBIN'S psychopathic LIES to the neighbors, and to the new landlord, Peter Milovich, in 1970. Milovich told the CALUMNY to the PRESENT landlord of the Appellant in December, 1974, causing an incredible HELL for the Appellant from then until NOW in 1976.

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11-- PRESENT LIFE STATUS OF THE APPELLANT OVER 30 years of PSYCHOPATHIC LIES:

(a) Can NOT change JOBS and can NOT survive in my present office either financially, or emotionally, or physically, or intellectually.

(b) Can not leave NYC and can NOT remain here with a work, eat, sleep life and no more than that.

(c) In dire NEED of eyes examination, eyeglasses, clothing, dental care for about \$5,000.00; NO life insurance; NO bank account; IN DEBT with bank loans for years to come. TEETH in VERY BAD CONDITION, and IF I lose even one more I WILL be without a JOB, and on the Welfare rolls IF they will take me. TWO front teeth badly infected; one front tooth LOST since this case has been in the US Court of Appeals.

(d) Apartment and belongings for which I worked for from 1953 through 1974 (21 years) DESTROYED BY FIRE. I can NOT survive



11-- PRESENT LIFE STATUS: continued:

(d) continued: in a furnished ROOM after having had my own home (apartment) for 21 years in a house and neighborhood where FEW people are able to speak American English.

(e) Hospital bill for 1974 NOT PAID. NO hope of ever paying.

(f) Records Management profession taken from me as of November, 1962. BY CORPORATE SLANDERERS. Even though I continued to attend schools until 1966 for this.

(g) NO two weeks' vacations for 22 years except when I attended Records Management Seminars for two weeks at the American University in 1961, and when I spent two weeks in the hospital in 1974 AFTER THE FIRE, WITHOUT PAY from my present employers! NO social life at all, and NO money for this or for the necessary TEETH and clothing for it.

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12-- PROGNOSIS POSSIBLE:

Provided the US Court of Appeals JUDGES have the great courage, and great sense of justice, and great decency necessary to rule FAVORABLY for the APPELLANT, for the very FIRST time in 30 years the Appellant can have SOME LIFE for whatever years are left to her to live. PLEASE HELP ME.

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13-- RE: \$663,000.00 PLUS requested:

In NO way does the Appellant believe that this financial amount is satisfactory for a destroyed HUMAN LIFE, but believes that the APPELLEES should be punished financially for THEIR wanton destruction of a decent, high caliber, educated, moral, humane, HUMAN LIFE of the APPELLANT.



14 --PUBLIC CLEARANCE OF MY GOOD NAME IS AN ABSOLUTE MUST in order for me to have any life at all for whatever few years are left to me to live --AWAY FROM New York City and AWAY FROM New York State -- FOREVER.

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15-- IF the Appellant/Appellees are expected to write the Court Order for this case, the Appellant would appreciate being told this in Court.

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16- Copies of the REPLY BRIEF OF THE APPELLANT only to those Appellees who sent BRIEFS to the Court and to the Appellant; also, ONE to those who sent only ONE, and TWO to those who sent TWO, and TEN to the US Court of Appeals.

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*Mae M. Smith*  
 (Miss) Mae M. Smith  
 APPELLANT PRO SE

CC: Oscar G. Rubin, Esq. -- ONE --  
 Galland, Kharasch, Calkins, Brown, Esqs. -- ONE --  
 Weil, Gotshal, Manges, Esqs. -- TWO --  
 Cyril Hyman, Esq., Assistant US Attorney -- TWO --  
 Alexander, Ash, Schwartz, Cohen, Esqs. -- TWO --  
 Townley, Updike, Carter, & Rodgers, Esqs. -- TWO --  
 US COURT OF APPEALS -- TEN --

*Mae M. Smith*



UNITED STATES COURT OF APPEALS  
SECOND CIRCUIT

76C - 7299

Case Title: 28 USC 1343

Conspiracy to destroy the life of the Appellant

APPEAL; PETITION FOR REVIEW

U.S. District Court  
Eastern Division of New York

REPLY BRIEF OF THE APPELLANT PRO SE

Miss Mae M. Smith  
APPELLANT PRO SE

83-06 Vietor Avenue  
c/o Coleman Family  
Elmhurst, New York 11373



A.

§ 1343. Civil rights and elective franchise.

The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right of privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

(June 25, 1948, ch. 640, 62 Stat. 932; Sept. 3, 1954, ch. 1263, § 42, 68 Stat. 1241; Sept. 9, 1957, Pub. L. 85-315, part III, § 121, 71 Stat. 637.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 41 (12), (13), and (14) (Mar. 3, 1911, ch. 231, § 24, pars. 12, 13, 14, 36 Stat. 1092).

Words "civil action" were substituted for "suits," "suits at law or in equity" in view of Rule 2 of the Federal Rules of Civil Procedure.

Numerous changes were made in arrangement and phraseology.

AMENDMENTS

1957—Pub. L. 85-315 inserted "and elective franchise" in the catchline and added par. (4).

1954—Act Sept. 3, 1954, substituted "section 1985 of Title 42" for "section 47 of Title 8" wherever appearing.

CROSS REFERENCES

Generally, see chapter 21 of Title 42, The Public Health and Welfare.

Amount in controversy immaterial in action under this section, see Reviser's Note under section 1331 of this title.

Civil action for deprivation of civil rights, see section 1983 of Title 42.

Civil action or injunction for deprivation of voting rights, see section 1971(c) of Title 42.

Conspiracy against rights of citizens constituting Federal crime, see section 241 of Title 18, Crimes and Criminal Procedure.

Conspiracy to interfere with civil rights, see section 1985 of Title 42.

Diversity of citizenship immaterial in action under this section, see Reviser's Note under section 1332 of this title. Injunction against enforcement of state statute, see section 2281 of this title.

CASE  
TITLE:

U.S. DISTRICT  
COURT

28-USC-1343

75C-2060

EXHIBIT

BEST COPY AVAILABLE



## REPORT - STRUCTURAL FIRE

FOR FIRE RECORDS USE ONLY		TYPE REPORT		DATE AND TIME ALARM RECEIVED						DURATION OF INCIDENT		HOW REPORTED		HIGHEST ALARM		LOCATION		REPORT	
				MONTH	DAY	YEAR	CD. NO.	HOUR	MINUTE	HOURS	MINUTES	INITIAL ALARM	BOROUGH	ALARM	INCIDENT	BOX NUMBER	ADMIN COMPANY		
002	1	12	06	74	1	0156	02	10	11	05	7467	7	117	0002	0096	49	486		

AIDED AND CASUALTIES						RESP.		EXTINGUISHMENT		INVESTIGATION		STRUCTURE		AREA FIRE ORIGIN							
CIVILIANS																					
EVACUATED	FIRST AID	INJURED	KILLED	UNIFORMED INJURED	ENG. SO. MARINE	LADDERS	CODE	NO. SPRINKLERS OPEN	STANDPIPE LINES USED	RUBBISH CONTAINERS	CAUSE	FIRE MARSHAL	CONSTRUCT	USE	STATUS	DAMAGE TO BLDG.	DAMAGE TO CONTENTS	FLOOR CODE	ROOM OR AREA CODE	OCCUPANCY	MANNER OF EXTENSION
01	02	02	00	02	02	2	6	00	00	0	64	3	81	1	1	2	01	34	61	00	

ADDRESS 31-13 34 Street Astoria Queens  
 NUMBER STREET BOROUGH  
 BUILDING 3 25X100  
 (Second Card) STORIES AREA

Mae Smith Apt. 2C  
 NAME OF OCCUPANT ROOM/APT. NO.  
Peter Milovich Bldg. owner  
 LEFT IN CHARGE

TYPE	NO.	SECT.	PTS.	TYPE	NO.	SECT.	PTS.	TYPE	NO.	SECT.	PTS.	TYPE	NO.	SECT.	PTS.
5	263	0	20	5	263	0	05	7	117	0	20	7	116	0	20

## OPERATIONS

Division 14 D.C. Rowan on scene

Upon arrival found smoke coming from second floor apt. 2C

E263 Stretched line extinguished fire

E262 Assisted E263 in stretching line, donned Scotts, stretched second line, stood fast

L116 Forced apt. door, Apt 2C, searched apt. found civilian Mae Smith in rear room Administered mouth to mouth resuscitation, put resuscitator to use, ventilated, made proper examination and search, overhauled

L117 Donned Scotts, went to floor above fire, ventilated made proper examination and search, assisted L116 in overhaul

Civilians injured \*Elizabeth Bellew age 59 apt. 3C, cut on right foot, removed to Elmhurst Gen. Hosp., treated and released

\*Mae Smith age approx. 50, apt. 2C, smoke inhalation, removed to Elmhurst Gen. Hosp., treated by Dr. Manoon placed in Intensive Care Unit condition critical

24 Hour Check Alive at 0210 hrs. 12-8-74, still critical in ICU

Uniformed Injured \*Lt. Nilsson L31(117) cut on left cheek treated at Elmhurst N/T  
 \*Fr. Beatley E82(116) smoke inhalation, 2hrs. ML Dr. Cutler EDMD

Frank A. Loruscio 0159 John W. Rowan 0225  
 TYPE FULL NAME TIME OF ARRIVAL TYPE FULL NAME TIME OF ARRIVAL



# 3 Face Ouster for War Crimes

DAILY NEWS, THURSDAY, OCTOBER 21, 1976

Washington (AP)—The nightmare of wartime Europe will be relived in three U.S. courtrooms next month as federal authorities try to deport three aging immigrants accused of atrocities against Jews more than 30 years ago.

The hearings before federal immigration judges in New York City, New Britain, Conn., and Baltimore will be, in effect, this country's first trials for crimes committed during World War II.

The defendants are Bronius Kaminskas, 73, of Lithuania who lives alone in a \$20-a-week room in Hartford; Karlis Detlavs, 65, who retired from his Baltimore factory job after losing a leg to cancer three years ago, and Boleslavs Maikovskis, 72, a retired carpenter in Mineola, L.I., N.Y.

Kaminskas and Detlavs have told reporters they are innocent of the charges. Maikovskis has refused to see reporters.

## Two Bases for Trials

In legal terms, Detlavs and Maikovskis are charged with entering the United States illegally by lying about their wartime activities. Kaminskas, because of a slight difference in the law at the time he entered the country, is charged with being ineligible for U.S. residence because of war crimes.

Though the charges are based on

immigration law, the evidence will focus almost entirely on the atrocities the three allegedly committed. Verne Jervis, spokesman for the Immigration and Naturalization Service, said the only government witnesses against the three will be about 20 Israeli Jews who say they saw the murders and beatings.

Through the 1950s and 1960s, Jervis said, the Immigration Service looked into war crimes cases, but no charges were brought.

The current effort began three years ago when Leonard F. Chapman took office as immigration commissioner and was questioned by the House immigration subcommittee.

## 75 Cases Under Probe

"It was clear to him that (the war crimes investigation) was one of the things the subcommittee wanted him to do," Jervis said. More than 75 cases are being investigated.

Subcommittee Chairman Joshua Eilberg (D-Pa.) and member Elizabeth Holtzman (D-N.Y.) in particular have

pushed for a probe. Eilberg frequently complained that the agency has taken much too long to bring the first charges.

One explanation, Jervis said, is that "the size and scope and depth of this is something new for this agency. A worldwide investigation is a new experience for us."

In three previous such deportation attempts, the service had mixed success.

## Camp Guard Extradited

Former concentration camp guard Hermoine Braunsteiner Ryan of New York City was extradited to West Germany in 1973 and now is on trial there for murder.

A federal court commissioner barred deportation of Andrija Artukovic of Seal Beach, Calif., on charges of murdering Serbs, Jews and gypsies because, the commissioner said, he was likely to be the target of political persecution in Yugoslavia.

Government lawyers last year filed suit to strip citizenship from Valerian D. Trifa, bishop of the Romanian Orthodox Episcopate, in Grass Lake, Mich., on charges of having persecuted Jews as a member of the Iron Guard, in a case that might take years to resolve.

USA IN 1976! NO STATUTES OF LIMITATIONS FOR THE DESTRUCTION OF  
HUMAN LIVES -- NO MATTER HOW THAT WAS BROUGHT ABOUT BY CRIMINALS!  
SLANDER IS A FORM OF MURDER. JAMAIS ENCORE! (NEVER AGAIN)!



TITLE 1.—GENERAL

§ 201. Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of Codes and Supplements.

In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—

(a) United States Code.

The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then current supplement, if any, establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included: *Provided, however, That whenever titles of such Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.*

Page 4183

TITLE 18.—CRIMES AND

Chapter 13.—CIVIL RIGHTS

Sec.

- 241. Conspiracy against rights of citizens.
- 242. Deprivation of rights under color of law.
- 243. Exclusion of jurors on account of race or color.
- 244. Discrimination against person wearing uniform of armed forces.
- 245. Federally protected activities.

AMENDMENTS

1968—Pub. L. 90-284, title I, § 102, Apr. 11, 1968, 82 Stat. 75, added item 245.

§ 241. Conspiracy against rights of citizens.

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than \$10,000 or imprisoned not more than ten years, or both, and if death results, they shall be subject to imprisonment for any term of years or for life. (June 25, 1948, ch. 645, 62 Stat. 696; Apr. 11, 1968, Pub. L. 90-284, title I, § 103(a), 82 Stat. 75.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 51 (Mar. 4, 1909, ch. 321, § 19, 35 Stat. 1092).

Clause making conspirator ineligible to hold office was omitted as incongruous because it attaches ineligibility to hold office to a person who may be a private citizen and who was convicted of conspiracy to violate a specific statute. There seems to be no reason for imposing such a penalty in the case of one individual crime, in view of the fact that other crimes do not carry such a severe consequence. The experience of the Department of Justice is that this unusual penalty has been an obstacle to successful prosecutions for violations of the act.

Mandatory punishment provision was rephrased in the alternative.

Minor changes in phraseology were made.

AMENDMENTS

1968—Pub. L. 90-284 increased limitation on fines from \$5,000 to \$10,000 and provided for imprisonment for any term of years or for life when death results.

CROSS REFERENCES

- Action for neglect to prevent, see section 1986 of Title 42, The Public Health and Welfare.
- Conspiracy to commit offense or to defraud United States, see section 371 of this title.
- Conspiracy to interfere with civil rights, see section 1985 of Title 42, The Public Health and Welfare.
- Proceedings in vindication of civil rights, see section 1988 of Title 42, The Public Health and Welfare.

§ 242. Deprivation of rights under color of law.

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if death results shall be sub-

CRIMINAL PROCEDURE

§ 243

ject to imprisonment for any term of years or for life. (June 25, 1948, ch. 645, 62 Stat. 696; Apr. 11, 1968, Pub. L. 90-284, title I, § 103(b), 82 Stat. 75.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 52 (Mar. 4, 1909, ch. 321, § 20, 35 Stat. 1092).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

A minor change was made in phraseology.

AMENDMENTS

1968—Pub. L. 90-284 provided for imprisonment for any term of years or for life when death results.

CROSS REFERENCES

- Civil action for deprivation of rights, see section 1983 of Title 42, The Public Health and Welfare.
- Equal rights under the law, see section 1981 of Title 42, The Public Health and Welfare.
- Minor offenses tried by United States magistrates as excluding offenses punishable under this section, see section 3401 of this title.
- Proceedings in vindication of civil rights, see section 1988 of Title 42, The Public Health and Welfare.

§ 1331

TITLE 28.—JUDICIARY

§ 1331. Federal question; amount in controversy; costs.

(a) The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of \$10,000, exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States.

(b) Except when express provision therefor is otherwise made in a statute of the United States, where the plaintiff is finally adjudged to be entitled to recover less than the sum or value of \$10,000, computed without regard to any setoff or counterclaim to which the defendant may be adjudged to be entitled, and exclusive of interests and costs, the



district court may deny costs to the plaintiff and, in addition, may impose costs on the plaintiff. (June 25, 1948, ch. 646, 62 Stat. 930; July 25, 1958, Pub. L. 85-554, § 1, 72 Stat. 415.)

## LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 41 (1), (Mar. 3, 1911, ch. 231, § 24, par. 1, 36 Stat. 1091; May 14, 1934, ch. 283, § 1, 48 Stat. 775; Aug. 21, 1937, ch. 726, § 1, 50 Stat. 738; Apr. 20, 1940, ch. 117, 54 Stat. 143).

Jurisdiction of federal questions arising under other sections of this chapter is not dependent upon the amount in controversy. (See annotations under former section 41 of title 28, U. S. C. A., and 35 C. J. S., p. 833 et seq., §§ 30-43. See, also, reviser's note under section 1332 of this title.)

Words "wherein the matter in controversy exceeds the sum or value of \$3,000, exclusive of interest and costs," were added to conform to rulings of the Supreme Court. See construction of provision relating to jurisdictional amount requirement in case involving a Federal question in *United States v. Sayward*, 16 S. Ct. 371, 180 U. S. 493, 40 L. Ed. 508; *Fishback v. Western Union Tel. Co.*, 16 S. Ct. 506, 161 U. S. 96, 40 L. Ed. 630; and *Halt v. Indiana Manufacturing Co.*, 1900, 20 S. Ct. 272, 176 U. S. 68, 44 L. Ed. 374.

Words "all civil actions" were substituted for "all suits of a civil nature, at common law or in equity" to conform with Rule 2 of the Federal Rules of Civil Procedure.

Words "or treaties" were substituted for "or treaties made, or which shall be made under their authority," for purposes of brevity.

The remaining provisions of section 41 (1) of title 28, U. S. C., 1940 ed., are incorporated in sections 1332, 1341, 1342, 1345, 1354, and 1359 of this title.

Changes were made in arrangement and phraseology.

## AMENDMENTS

1958—Pub. L. 85-554 included costs in catchline.

Subsec. (a). Pub. L. 85-554 designated the former entire section as subsec. (a) and substituted "\$10,000" for "\$3,000".

Subsec. (b). Pub. L. 85-554 added subsec. (b).

## EFFECTIVE DATE OF 1958 AMENDMENT

Section 3 of Pub. L. 85-554 provided that: "This Act [amending this section and sections 1332 and 1345 of this title] shall apply only in the case of actions commenced after the date of the enactment of this Act [July 25, 1958]."

## CROSS REFERENCES

Controversies involving pollution of waters, jurisdiction of actions by States, see section 466g-1 of Title 33, Navigation and Navigable Waters.

Convention on the Settlement of Investment Disputes, exclusive jurisdiction of district courts over actions and proceedings for enforcement of arbitration awards under the Convention, regardless of amount in controversy, see section 1650a of Title 22, Foreign Relations and Intercourse.

Federal Deposit Insurance Corporation as party, see section 1819 of Title 12, Banks and Banking.

Federal Reserve Bank as party, see section 632 of Title 12.

International Finance Corporation as party, see section 282f of Title 22.

International or foreign banking transactions, see section 632 of Title 12.

Reclamation projects, compensation for rights-of-way, see section 945b of Title 43, Public Lands.

§ 1332. Diversity of citizenship; amount in controversy; costs.

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$10,000, exclusive of interest and costs, and is between—

(1) citizens of different States;

(2) citizens of a State, and foreign states or citizens or subjects thereof; and

(3) citizens of different States and in which foreign states or citizens or subjects thereof are additional parties.

(b) Except when express provision therefor is otherwise made in a statute of the United States, where the plaintiff who files the case originally in the Federal courts is finally adjudged to be entitled to recover less than the sum or value of \$10,000, computed without regard to any setoff or counterclaim to which the defendant may be adjudged to be entitled, and exclusive of interest and costs, the district court may deny costs to the plaintiff and, in addition, may impose costs on the plaintiff.

(c) For the purposes of this section and section 1441 of this title, a corporation shall be deemed a citizen of any State by which it has been incorporated and of the State where it has its principal place of business. Provided further, That in any direct action against the insurer of a policy or contract of liability insurance, whether incorporated or unincorporated, to which action the insured is not joined as a party-defendant, such insurer shall be deemed a citizen of the State of which the insured is a citizen, as well as of any State by which the insurer has been incorporated and of the State where it has its principal place of business.

(d) The word "States", as used in this section, includes the Territories, the District of Columbia, and the Commonwealth of Puerto Rico. (June 25, 1948, ch. 646, 62 Stat. 930; July 26, 1956, ch. 740, 70 Stat. 658; July 25, 1958, Pub. L. 85-554, § 2, 72 Stat. 415; Aug. 14, 1964, Pub. L. 88-439, § 1, 78 Stat. 445.)

## LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 41 (1), (Mar. 3, 1911, ch. 231, § 24, par. 1, 36 Stat. 1091; May 14, 1934, ch. 283, § 1, 48 Stat. 775; Aug. 21, 1937, ch. 726, § 1, 50 Stat. 738; Apr. 20, 1940, ch. 117, 54 Stat. 143).

Other provisions of section 41 (1) of title 28, U. S. C., 1940 ed., are incorporated in sections 1331, 1341, 1342, 1345, 1354, and 1359 of this title. (See reviser's notes under said sections.)

Jurisdiction conferred by other sections of this chapter, except section 1335, is not dependent upon diversity of citizenship. (See annotations under former section 41 of title 28, U. S. C. A., and 35 C. J. S., p. 833 et seq., §§ 30-43. See, also, reviser's note under section 1331 of this title.)

As to citizenship of bank where jurisdiction depends upon diversity of citizenship, see section 1343 of this title.

Words "all civil actions" were substituted for "all suits of a civil nature, at common law or in equity" in order to conform to Rule 2 of the Federal Rules of Civil Procedure.

Words "or citizens of the District of Columbia, Territory of Hawaii, or Alaska, and any State or Territory" which were inserted by the amendatory act April 20, 1940, are omitted. The word "States" is defined in this section and enumeration of the references is unnecessary.

The revised section conforms with the views of Philip F. Herrick, United States Attorney, Puerto Rico, who observed that the act of April 20, 1940, permitted action between a citizen of Hawaii and of Puerto Rico, but not between a citizen of New York and Puerto Rico, in the district court.

This changes the law to insure uniformity. The 1940 amendment applied only to the provision as to controversies between "citizens of different States." The new definition in subsection (b) extends the 1940 amendment to apply to controversies between citizens of the Territories or the District of Columbia, and foreign states or citizens or subjects thereof.

The diversity of citizenship language of section 41 (1) of title 28, U. S. C., 1940 ed., as amended in 1940, was described as ambiguous in *McGarry v. City of Bethlehem*, 45 F. Supp. 365, 366. In that case the 1940 amendment



TITLE 42—THE PUBLIC

§ 1953. Civil action for deprivation of rights.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R. S. § 1979.)

DERIVATION

Act Apr. 20, 1871, ch. 22, § 1, 17 Stat. 13.

§ 1954. Same; review of proceedings.

All cases arising under the provisions of this Act in the courts of the United States shall be reviewable by the Supreme Court of the United States without regard to the sum in controversy, under the same provisions and regulations as are provided by law for the review of other causes in said court. (Mar. 1, 1875, ch. 114, § 5, 18 Stat. 337.)

REFERENCES IN TEXT

This act, referred to in the text, has reference to act Mar. 1, 1875. Sections 1 and 2 of said act Mar. 1, 1875, were not classified to this Code. Sections 3 and 4 of said act Mar. 1, 1875, formerly classified to sections 44 and 45 of Title 8, were repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 362, and are now covered by sections 243 and 3231 of Title 18, Crimes and Criminal Procedure. Section 5 of act Mar. 1, 1875 is classified to this section.

§ 1955. Conspiracy to interfere with civil rights.

(1) Preventing officer from performing duties.

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror.

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying in any matter pending therein, freely, fully, and

truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges.

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators. (R. S. § 1980.)

DERIVATION

Acts July 31, 1861, ch. 33, 12 Stat. 284; Apr. 20, 1871, ch. 22, § 2, 17 Stat. 13.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1956 of this title; title 28 section 1343.

§ 1956. Same; action for neglect to prevent.

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1955 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if



PART II—TO PROVIDE FOR AN ADDITIONAL ASSISTANT ATTORNEY GENERAL

SEC. 111. There shall be in the Department of Justice one additional Assistant Attorney General, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall assist the Attorney General in the performance of his duties, and who shall receive compensation at the rate prescribed by law for other Assistant Attorneys General.

PART III—TO STRENGTHEN THE CIVIL RIGHTS STATUTES, AND FOR OTHER PURPOSES

SEC. 121. Section 1343 of title 28, United States Code, is amended as follows: 62 Stat. 932.

(a) Amend the catch line of said section to read,

"§ 1343. Civil rights and elective franchise"

(b) Delete the period at the end of paragraph (3) and insert in lieu thereof a semicolon.

(c) Add a paragraph as follows:

"(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote."

SEC. 122. Section 1980 of the Revised Statutes (42 U. S. C. 1993) is hereby repealed. Repeal.

PART IV—TO PROVIDE MEANS OF FURTHER SECURING AND PROTECTING THE RIGHT TO VOTE

SEC. 131. Section 2004 of the Revised Statutes (42 U. S. C. 1971), is amended as follows:

(a) Amend the catch line of said section to read, "Voting rights".

(b) Designate its present text with the subsection symbol "(a)".

(c) Add, immediately following the present text, four new subsections to read as follows:

"(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

"(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

SEE! CONTEMPT OF COURT—  
U.S. DISTRICT COURT—  
PART V—NEXT PAGE



"(e) Any person cited for an alleged contempt under this Act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel."

PART V—TO PROVIDE TRIAL BY JURY FOR PROCEEDINGS TO PUNISH  
CRIMINAL CONTEMPTS OF COURT GROWING OUT OF CIVIL RIGHTS  
CASES AND TO AMEND THE JUDICIAL CODE RELATING TO FEDERAL  
JURY QUALIFICATIONS

Criminal con-  
tempt.  
Penalties.

SEC. 151. In all cases of criminal contempt arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided however*, That in case the accused is a natural person the fine to be paid shall not exceed the sum of \$1,000, nor shall imprisonment exceed the term of six months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of \$300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

Nonapplicability.

This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

62 Stat. 951.

SEC. 152. Section 1861, title 28, of the United States Code is hereby amended to read as follows:

"§ 1861. Qualifications of Federal jurors

"Any citizen of the United States who has attained the age of twenty-one years and who has resided for a period of one year within the judicial district, is competent to serve as a grand or petit juror unless—

"(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

"(2) He is unable to read, write, speak, and understand the English language.

"(3) He is incapable, by reason of mental or physical infirmities to render efficient jury service."

Short title.

SEC. 161. This Act may be cited as the "Civil Rights Act of 1957".  
Approved September 9, 1957.



"(b) In any action by a card issuer to enforce liability for the use of a credit card, the burden of proof is upon the card issuer to show that the use was authorized or, if the use was unauthorized, then the burden of proof is upon the card issuer to show that the conditions of liability for the unauthorized use of a credit card, as set forth in subsection (a), have been met.

"(c) Nothing in this section imposes liability upon a cardholder for the unauthorized use of a credit card in excess of his liability for such use under other applicable law or under any agreement with the card issuer.

"(d) Except as provided in this section, a cardholder incurs no liability from the unauthorized use of a credit card.

#### "§ 134. Fraudulent use of credit card

"Whoever, in a transaction affecting interstate or foreign commerce, uses any counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card to obtain goods or services, or both, having a retail value aggregating \$5,000 or more, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

Penalty.

"(b) The table of contents of chapter 2 of the Truth in Lending Act is amended by adding at the end thereof the following:

82 Stat. 152.  
15 USC 1631.

"132. Issuance of credit cards.

"133. Liability of holder of credit card.

"134. Fraudulent use of credit card."

Effective dates.

SEC. 503. The amendments to the Truth in Lending Act made by this title become effective as follows:

(1) Section 132 of such Act takes effect upon the date of enactment of this title.

(2) Section 133 of such Act takes effect upon the expiration of 90 days after such date of enactment.

(3) Section 134 of such Act applies to offenses committed on or after such date of enactment.

## TITLE VI—PROVISIONS RELATING TO CREDIT REPORTING AGENCIES

### AMENDMENT OF CONSUMER CREDIT PROTECTION ACT

SEC. 601. The Consumer Credit Protection Act is amended by adding at the end thereof the following new title:

82 Stat. 146.  
15 USC 1601  
note.

#### "TITLE VI—CONSUMER CREDIT REPORTING

"Sec.

"601. Short title.

"602. Findings and purpose.

"603. Definitions and rules of construction.

"604. Permissible purposes of reports.

"605. Obsolete information.

"606. Disclosure of investigative consumer reports.

"607. Compliance procedures.

"608. Disclosures to governmental agencies.

"609. Disclosure to consumers.

"610. Conditions of disclosure to consumers.

"611. Procedure in case of disputed accuracy.

"612. Charges for certain disclosures.

"613. Public record information for employment purposes.

"614. Restrictions on investigative consumer reports.

"615. Requirements on users of consumer reports.

"616. Civil liability for willful noncompliance.

"617. Civil liability for negligent noncompliance.

"618. Jurisdiction of courts; limitation of actions.

"619. Obtaining information under false pretenses.

"620. Unauthorized disclosures by officers or employees.

"621. Administrative enforcement.

"622. Relation to State laws.

PUBLIC LAW  
91-508  
TITLE SIX



Citation of  
title.

**"§ 601. Short title**

"This title may be cited as the Fair Credit Reporting Act.

**"§ 602. Findings and purpose**

"(a) The Congress makes the following findings:

"(1) The banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence which is essential to the continued functioning of the banking system.

"(2) An elaborate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character, and general reputation of consumers.

"(3) Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.

"(4) There is a need to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy.

"(b) It is the purpose of this title to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information in accordance with the requirements of this title.

**"§ 603. Definitions and rules of construction**

"(a) Definitions and rules of construction set forth in this section are applicable for the purposes of this title.

"(b) The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

"(c) The term 'consumer' means an individual.

"(d) The term 'consumer report' means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes, or (2) employment purposes, or (3) other purposes authorized under section 601. The term does not include (A) any report containing information solely as to transactions or experiences between the consumer and the person making the report; (B) any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device; or (C) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made and such person makes the disclosures to the consumer required under section 615.

Post, p. 1133.

"(e) The term 'investigative consumer report' means a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such



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→ items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.

"(f) The term 'consumer reporting agency' means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

"(g) The term 'file', when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.

→ "(h) The term 'employment purposes' when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

→ "(i) The term 'medical information' means information or records obtained, with the consent of the individual to whom it relates, from licensed physicians or medical practitioners, hospitals, clinics, or other medical or medically related facilities.

#### "§ 604. Permissible purposes of reports

"A consumer reporting agency may furnish a consumer report under the following circumstances and no other:

"(1) In response to the order of a court having jurisdiction to issue such an order.

"(2) In accordance with the written instructions of the consumer to whom it relates.

"(3) To a person which it has reason to believe—

"(A) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or

"(B) intends to use the information for employment purposes; or

"(C) intends to use the information in connection with the underwriting of insurance involving the consumer; or

"(D) intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

"(E) otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

#### "§ 605. Obsolete information

"(a) Except as authorized under subsection (b), no consumer reporting agency may make any consumer report containing any of the following items of information:

"(1) Bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than fourteen years.

→ "(2) Suits and judgments which, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

"(3) Paid tax liens which, from date of payment, antedate the report by more than seven years.



IX.

"(4) Accounts placed for collection or charged to profit and loss which antedate the report by more than seven years.

"(5) Records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven years.

→ "(6) Any other adverse item of information which antedates the report by more than seven years. ←

→ "(b) The provisions of subsection (a) are not applicable in the case of any consumer credit report to be used in connection with—

"(1) a credit transaction involving, or which may reasonably be expected to involve, a principal amount of \$50,000 or more; ←

"(2) the underwriting of life insurance involving, or which may reasonably be expected to involve, a face amount of \$50,000 or more; or ←

→ "(3) the employment of any individual at an annual salary which equals, or which may reasonably be expected to equal \$20,000, or more. |

**"§ 606. Disclosure of investigative consumer reports**

"(a) A person may not procure or cause to be prepared an investigative consumer report on any consumer unless—

→ "(1) it is clearly and accurately disclosed to the consumer that, an investigative consumer report including information as to his character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and such disclosure (A) is made in a writing mailed, or otherwise delivered, ←

→ to the consumer, not later than three days after the date on which the report was first requested, and (B) includes a statement informing the consumer of his right to request the additional disclosures provided for under subsection (b) of this section; or

→ "(2) the report is to be used for employment purposes for which the consumer has not specifically applied. ←

"(b) Any person who procures or causes to be prepared an investigative consumer report on any consumer shall, upon written request made by the consumer within a reasonable period of time after the receipt by him of the disclosure required by subsection (a) (1), shall make a complete and accurate disclosure of the nature and scope of the investigation requested. This disclosure shall be made in a writing mailed, or otherwise delivered, to the consumer not later than five days after the date on which the request for such disclosure was received from the consumer or such report was first requested, whichever is the later.

"(c) No person may be held liable for any violation of subsection (a) or (b) of this section if he shows by a preponderance of the evidence that at the time of the violation he maintained reasonable procedures to assure compliance with subsection (a) or (b).

**"§ 607. Compliance procedures**

"(a) Every consumer reporting agency shall maintain reasonable procedures designed to avoid violations of section 605 and to limit the furnishing of consumer reports to the purposes listed under section 604. These procedures shall require that prospective users of the information identify themselves, certify the purposes for which the information is sought, and certify that the information will be used for no other purpose. Every consumer reporting agency shall make a reasonable effort to verify the identity of a new prospective user and the uses certified by such prospective user prior to furnishing such user a consumer report. No consumer reporting agency may furnish a consumer report to any person if it has reasonable grounds for believing that the consumer report will not be used for a purpose listed in section 604.



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“(b) Whenever a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates.”

“§ 608. Disclosures to governmental agencies

“Notwithstanding the provisions of section 604, a consumer reporting agency may furnish identifying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment, to a governmental agency.

“§ 609. Disclosures to consumers

“(a) Every consumer reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to the consumer:

“(1) The nature and substance of all information (except medical information) in its files on the consumer at the time of the request.

“(2) The sources of the information; except that the sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose need not be disclosed: *Provided*, That in the event an action is brought under this title, such sources shall be available to the plaintiff under appropriate discovery procedures in the court in which the action is brought.

“(3) The recipients of any consumer report on the consumer which it has furnished—

“(A) for employment purposes within the two-year period preceding the request, and

“(B) for any other purpose within the six-month period preceding the request.

“(b) The requirements of subsection (a) respecting the disclosure of sources of information and the recipients of consumer reports do not apply to information received or consumer reports furnished prior to the effective date of this title except to the extent that the matter involved is contained in the files of the consumer reporting agency on that date.

“§ 610. Conditions of disclosure to consumers

“(a) A consumer reporting agency shall make the disclosures required under section 609 during normal business hours and on reasonable notice.

“(b) The disclosures required under section 609 shall be made to the consumer—

“(1) in person if he appears in person and furnishes proper identification; or

“(2) by telephone if he has made a written request, with proper identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

“(c) Any consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him pursuant to section 609.

“(d) The consumer shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. A consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

“(e) Except as provided in sections 616 and 617, no consumer may bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information



against any consumer reporting agency, any user of information, or any person who furnishes information to a consumer reporting agency, based on information disclosed pursuant to section 609, 610, or 615, except as to false information furnished with malice or willful intent to injure such consumer.

**“§ 611. Procedure in case of disputed accuracy**

“(a) If the completeness or accuracy of any item of information contained in his file is disputed by a consumer, and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall within a reasonable period of time reinvestigate and record the current status of that information unless it has reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant. If after such reinvestigation such information is found to be inaccurate or can no longer be verified, the consumer reporting agency shall promptly delete such information. The presence of contradictory information in the consumer's file does not in and of itself constitute reasonable grounds for believing the dispute is frivolous or irrelevant.

“(b) If the reinvestigation does not resolve the dispute, the consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit such statements to not more than one hundred words if it provides the consumer with assistance in writing a clear summary of the dispute.

“(c) Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrelevant, the consumer reporting agency shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide either the consumer's statement or a clear and accurate codification or summary thereof.

“(d) Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified or any notation as to disputed information, the consumer reporting agency shall, at the request of the consumer, furnish notification that the item has been deleted or the statement, codification or summary pursuant to subsection (b) or (c) to any person specifically designated by the consumer who has within two years prior thereto received a consumer report for employment purposes or within six months prior thereto received a consumer report for any other purpose, which contained the deleted or disputed information. The consumer reporting agency shall clearly and conspicuously disclose to the consumer his rights to make such a request. Such disclosure shall be made at or prior to the time the information is deleted or the consumer's statement regarding the disputed information is received.

**“§ 612. Charges for certain disclosures**

“A consumer reporting agency shall make all disclosures pursuant to section 609 and furnish all consumer reports pursuant to section 611(d) without charge to the consumer if, within thirty days after receipt by such consumer of a notification pursuant to section 615 or notification from a debt collection agency affiliated with such consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under section 609 or 611(d). Otherwise, the consumer reporting agency may impose a reasonable charge on the consumer for making disclosure to such consumer pursuant to section 609, the charge for which shall be indicated to the consumer prior to making disclosure; and for furnishing notifications, statements, summaries, or codifications to person designated by the consumer pursuant to section 611(d), the charge for which shall be indicated to the consumer prior to furnish-

FALSE  
MALICIOUS  
INTENT



ing such information and shall not exceed the charge that the consumer reporting agency would impose on each designated recipient for a consumer report except that no charge may be made for notifying such persons of the deletion of information which is found to be inaccurate or which can no longer be verified.

→ **“§ 613. Public record information for employment purposes**

→ “A consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose compiles and reports items of information on consumers which are matters of public record and are likely to have an adverse effect upon a consumer's ability to obtain employment shall—

→ “(1) at the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported; or

→ “(2) maintain strict procedures designed to insure that whenever public record information which is likely to have an adverse effect on a consumer's ability to obtain employment is reported, it is complete and up to date. For purposes of this paragraph, items of public record relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up to date if the current public record status of the item at the time of the report is reported.

**“§ 614. Restrictions on investigative consumer reports**

→ “Whenever a consumer reporting agency prepares an investigative consumer report, no adverse information in the consumer report (other than information which is a matter of public record) may be included in a subsequent consumer report unless such adverse information has been verified in the process of making such subsequent consumer report, or the adverse information was received within the three-month period preceding the date the subsequent report is furnished.

→ **“§ 615. Requirements on users of consumer reports**

→ “(a) Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall so advise the consumer against whom such adverse action has been taken and supply the name and address of the consumer reporting agency making the report.

→ “(b) Whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall, within a reasonable period of time, upon the consumer's written request for the reasons for such adverse action received within sixty days after learning of such adverse action, disclose the nature of the information to the consumer. The user of such information shall clearly and accurately disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

→ “(c) No person shall be held liable for any violation of this section if he shows by a preponderance of the evidence that at the time of the alleged violation he maintained reasonable procedures to assure compliance with the provisions of subsections (a) and (b).



**“§ 616. Civil liability for willful noncompliance**

“Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

→ (1) any actual damages sustained by the consumer as a result of the failure;

→ (2) such amount of punitive damages as the court may allow; and

→ (3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

**“§ 617. Civil liability for negligent noncompliance**

“Any consumer reporting agency or user of information which is negligent in failing to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

→ (1) any actual damages sustained by the consumer as a result of the failure;

→ (2) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

**“§ 618. Jurisdiction of courts; limitation of actions**

“An action to enforce any liability created under this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises, except that where a defendant has materially and willfully misrepresented any information required under this title to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant's liability to that individual under this title, the action may be brought at any time within two years after discovery by the individual of the misrepresentation.

**→ “§ 619. Obtaining information under false pretenses**

“Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

**“§ 620. Unauthorized disclosures by officers or employees**

“Any officer or employee of a consumer reporting agency who knowingly and willfully provides information concerning an individual from the agency's files to a person not authorized to receive that information shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

**“§ 621. Administrative enforcement**

“(a) Compliance with the requirements imposed under this title shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission with respect to consumer reporting agencies and all other persons subject thereto, except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other government agency under subsection (b) hereof. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed



83-06 Vietor Avenue  
C/O COLEMAN FAMILY  
Elmhurst, New York 11373  
October 23, 1976 (SATURDAY)

US COURT OF APPEALS  
SECOND CIRCUIT

Miss Mae M. Smith; a/k/a/  
Miss Mary M. Smith

Appellant

VS.

Frederick V. Behrends; Oscar  
G. Rubin, Esq.; Mrs. Delia C.  
Smith; ET AL.

Appellees

# 76-7299 - CIVIL CASE

28 USC 1343 -- Conspiracy  
to destroy the life of  
the Appellant

S I R S :

Today I mailed the REPLY BRIEFS of the APPELLANT at  
the Elmhurst "A" Post Office at 33rd Street and Broadway,  
Elmhurst, New York 11373 at 11:00 A.M. to the following Appellees:

Oscar G. Rubin, Esq. (ONE)

Galland, Kharasch, Calkins, Brown, Esqs. (ONE)

Cyril Hyman, Esq., Assistant US Attorney, (TWO)

Townley, Updike, Carter, Rodgers, Esqs. (TWO)

Alexander, Ash, Schwartz, Cohen, Esqs. (TWO)

Weil, Gotshal, Manges, Esqs. (TWO)

SEE: PAGE 16 of the REPLY BRIEF of the Appellant.

TEN COPIES will be delivered to the US Court of Appeals on  
Tuesday at 9:00 A.M., October 26, 1976.

MMS/

Lennie Charles Jackson  
Notary Public, State of New York  
No. 41 - 4504081  
QUALIFIED IN QUEENS COUNTY  
Cert. filed in Queens county  
Commission expires March 30, 1977

Sincerely,

Mae M. Smith  
(Miss) Mae M. Smith  
Appellant Pro Se



UNITED STATES COURT OF APPEALS  
SECOND CIRCUIT

76C - 7299

Case Title: 28 USC 1343

Conspiracy to destroy the life of the Appellant

APPEAL; PETITION FOR REVIEW

U.S. District Court  
Eastern Division of New York

REPLY BRIEF OF THE APPELLANT PRO SE

Miss Mae M. Smith  
APPELLANT PRO SE

83-06 Vietor Avenue  
c/o Coleman Family  
Elmhurst, New York 11373